

**38-10-103 Nonimpairment of lien attached to estate less than fee or to equitable or legal contingent interest.**

If a lien attaches to an interest in land:

- (1) which is less than the fee interest, including the interest of an optionee or farmouttee, termination of the interest in the land does not impair any lien which attaches prior to termination as to the owner's continuing interest, if any, in appurtenances and fixtures previously located on the land; or
- (2) which interest is contingent upon the happening of a condition subsequent, failure of the interest to ripen into legal title, or failure of the occurrence of the condition subsequent does not impair any lien as to the owner's continuing interest, if any, in appurtenances and fixtures located on the land to which the lien attached prior to the failure.

Enacted by Chapter 170, 1987 General Session